IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.2620 of 2006

DATE OF ORDER:

Jagdev Singh

...Petitioner(s)

Versus

Charan Dass

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Padam Jain, Advocate.

Mr. Amarjit Markan, Advocate.

M.M. AGGARWAL,J

Jagdev Singh petitioner in his capacity as NRI-landlord had filed a petition under Section 13-B of the East Punjab Rent Restriction Act against the Charan Dass tenant-respondent. In that petition, Charan Dass had made an application under Section 18-A of the Act for leave to defend, which was allowed by the Rent Controller on 21.3.2006.

This is petition against that order. One of the grounds on which the leave to contest was granted was that Jagdev Singh landlord had sought eviction of other tenant namely Shashi Kumar etc.

Present petition was filed by Jagdev Singh through attorney

Shiv Dev Singh. Copy of the petition filed by one Harpreet Singh and Jagdev Singh against Shashi Kumar and Gulshan Kumar was filed to show that Jagdev Singh claiming himself to be an NRI-landlord had filed another petition under Section 13-B of the East Punjab Rent Restriction Act. Section 13-B, Sub Section 2 provides as under:

> "**13-B(2)** Where the owner referred to in sub-section (1), has let out more than one residential building or scheduled building and/or non-residential building, it shall be open to him or her to make an application under that sub-section in respect of only one residential building or one scheduled building and/or one non-residential building, each chosen by him or her."

Moreover, the petition was filed through attorney which will show that he has not returned to India permanently or temporary.

Jagdev Singh in his capacity as NRI owner-landlord could file petition for ejectment for one residential building or scheduled building and he was to choose one such building to get benefit of Section 13-B of the Act but in this case, he had filed present petition as against Charan Dass and had also filed another petition as against Shashi Kumar and Gulshan Kumar.

Under these circumstances, there was triable issue as to whether Jagdev Singh landlord could file present petition as against Charan Dass under Section 13-B of the Act. As such, there is no merit in the present petition. Same is dismissed. Let the Rent Controller dispose of the main petition expeditiously by giving short dates preferably within a period of six months.

February , 2007 (M.M. AGGARWAL)
manoj JUDGE